

## REMARKS

The present amendment is submitted in response to the Office Action dated February 27, 2008, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by June 27, 2008.

Claims 1-2 and 4-22 are pending in this application.

In the Office Action, claims 1-5 and 7-12 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,076,838 to Meixner. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Meixner in view of GB 2171045A to Weber.

With the present amendment, amended Figs. 2 and 4 have been filed to include features of new claim 22. In addition, the specification has been amended to add reference numerals 58, 60, 62, 64 to refer to the ends of the slots. The specification also was amended to add standard headings and a cross reference to the related priority documents and to delete reference to the claims.

New claims 13 through 22 have been added. The features of new claims 13, 14, 15, 18 and 20 can be found in the figures. The subject matter of new claim 16 is disclosed on page 2, paragraph [0019] of the published application. The features of new claim 17 can be found on page 1, paragraph [0008]. The limitations of new claim 19 are found on page 1, paragraph [0011], while the features of new claim 21 are found on page 2, paragraphs [0022] and [0023]. Features of new claim 22 can be found on page 2, paragraphs [0024] and [0025].

Turning now to the substantive rejection of the claims, claim 1 has been amended to more clearly define the invention over the cited references by adding the features of claim 3, which was canceled. The Applicant respectfully submits that the cited references neither anticipate nor render obvious the subject matter of the claims.

The cited patent to Meixner discloses a hand-held power tool with a handle (3), wherein legs (5, 7) of the handle (3) are hinge-mounted to a housing (1) via levers (19, 21, 41, 43, 45, 47). The levers (19, 21, 41, 43, 45, 47) or the lever pairs (19 and 21, 41 and 45, 43 and 47), respectively, overlap at their endpoints and are hinge mounted by a common hinge point (39, 49, 51) on the housing (1) (see Meixner, Figs. 2 and 3, as well as column 2, lines 36 to 63 and column 3 line 27 to column 4, line 29).

In contrast, the present application claims a hand-held power tool handle device with a vibration-shielding unit (10) and a guide device (12) for guiding a motion (26) of a handle element (16) which is movably supported relative to a hand-held tool body (14), wherein the motion (26) is at least substantially along a straight line and the guide device (12) is characterized by at least two force-transmission elements (20, 22) **which cross over each other.**

Meixner does not show levers which cross over each other, wherein "cross over each other" means that they intersect with each other and furthermore, that at least a part of a first force-transmission element (20, 22) extends in a longitudinal direction of said first force-transmission element (20, 22) more than a width of one of said force-transmission elements (20, 22) over a cross-over point of said force-transmission elements (20, 22) (see figures 2 to 4 of the patent application). Therefore, Meixner does not disclose a lever that extends in its longitudinal direction more than a width of one of

the levers (19, 21, 41, 43, 45, 47) over the common hinge point (39, 49, 51) as it is recited in claim 1 of the present invention. Rather, the levers or the lever pairs (19 and 21, 41 and 45, 43 and 47), respectively, end at the common hinge points (39, 49, 51), which are embodied as an axis (see Meixner, column 3, lines 44 to 46). Thus, the levers (19, 21, 41, 43, 45, 47) do not cross over each other.

Because claim 1 as amended includes features that are not disclosed by Meixner, Meixner does not anticipate claim 1. The Applicant furthermore respectfully submits that Meixner is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that “*a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference*”, and that “*the identical invention must be shown in as complete detail as is contained in the ... claim*”.

Meixner '838 teaches to decouple a housing (1) and a handle (3) of a hand-held power tool by arranging levers (19, 21, 41, 43, 45, 47) which end at a common hinge point (39, 49, 51) (see Meixner '838, figures 2 and 3, as well as column 3 lines 40 to 46 and column 4, lines 20 to 29).

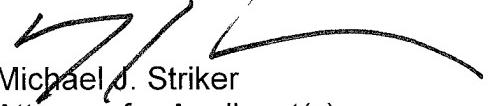
In contrast, the present application discloses to decouple a handle element (16) from a hand-held tool body (14) of a hand-held power tool via two force-transmission elements (20, 22) ***which cross over each other***. Due to this construction, transversal forces can be supported in an effective manner (see present application, page 1, paragraph 0007). Moreover, the force-transmission elements (20, 22) are not only provided for the decoupling of the handle element (16) from the hand-held power tool body (14) but also for a

damping of the handle element (16) due to their design as blanked/flexural sheet-metal parts (see patent application, page 2, paragraph 0020, lines 1 to 3). Thus, a piece and cost saving construction can be efficiently provided.

In Meixner, no motivation is provided which would have led someone skilled in the art to the subject matter of amended claim 1 1. Especially, since, as stated above, the levers (19, 21, 41, 43, 45, 47) share a common hinge point (39, 49, 51), where the levers (19, 21, 41, 43, 45, 47) end. In addition, Meixner teaches a totally different mechanism for decoupling a handle and a housing of a hand-held power tool, specifically, a mechanism where a decoupling mechanism has no damping properties. For the damping process exclusively different means (springs 15, 17, see Figs. 1 to 3 of Meixner) are provided.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

  
Michael J. Striker  
Attorney for Applicant(s)  
Reg. No. 27233  
103 East Neck Road  
Huntington, New York 11743  
631-549-4700